

**UNITED STATE DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE, FOR CONSECO FINANCE HOME
EQUITY LOAN TRUST 2002-A
75 Beattie Place
Suite 300
Greenville, SC 29601

vs.

ALLEN T. SMITH
919 North Walnut Street
Coatesville, PA 19320

No. 2:22-CV-02131-KSM

ORDER

AND NOW, this _____ day of _____, 2003, upon
consideration of Plaintiff's Motion to Remand Case to Chester County Court of Common
Pleas, it is hereby

ORDERED and DECREED that the above captioned action is remanded to
Chester Court of Common Pleas, Docket No. 2020-09495-RC

BY THE COURT:

J.

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No. 2:22-CV-02131-KSM

**PLAINTIFF'S MOTION TO REMAND CASE TO CHESTER
COURT OF COMMON PLEAS**

1. Defendant, Allen T. Smith, attempted to remove a civil action currently pending in the Court of Common Pleas of Chester County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania by filing a Motion for Removal on May 27, 2022, docketed at the above number.

2. The case below, U.S. Bank National Association, as Trustee, for Conseco Finance Home Equity Loan Trust 2002-A vs. Allen T. Smith, Docket No.2020-09495-RC, is a mortgage foreclosure case that was commenced by the filing of a Complaint in the Court of Common Pleas for Chester County filed December 29, 2020.

3. The mortgage foreclosure proceedings have been concluded. By Order dated April 25, 2022, Plaintiff's Motion for Summary Judgment was granted and a judgment in mortgage foreclosure was entered in the amount of \$209,415.14, and which authorized the sale of the property designated as 919 North Walnut Street, Coatesville, Chester County, Pennsylvania. A copy of the Order granting summary judgment is attached hereto as Exhibit "A".

4. A Sheriff's Sale of the subject property is scheduled to be held on October 20, 2022. The removal of the foreclosure to the United States District Court for the Eastern District of Pennsylvania is improvident and untimely as the matter has been resolved on the merits after full and fair litigation.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter an Order remanding this action to the Chester Court of Common Pleas at Docket No.2020-09495-RC.

Respectfully,

KML Law Group, P.C.

A handwritten signature in black ink, appearing to read "J. Eric Kishbaugh", written over a horizontal line.

J. Eric Kishbaugh, Esquire
Attorney for Plaintiff